

To: Butts, Sally[sbutts@blm.gov]
Cc: Fisher, Timothy[tjfisher@blm.gov]; Nikki Moore[nmoore@blm.gov]; Tyler Ashcroft[tashcrof@blm.gov]; Donald Hoffheins[dhoffhei@blm.gov]; Cynthia Staszak[cstaszak@blm.gov]
From: Ginn, Allison
Sent: 2017-05-19T16:02:35-04:00
Importance: Normal
Subject: Re: Additional questions on monuments review
Received: 2017-05-19T16:03:10-04:00
[New information requested on EO 13792 Monuments Review_GSENM.docx](#)
[GSENM_FEIS_WSAmap.jpg](#)
[GSENM_FrontcountryZone_LWC_WSA.pdf](#)
[GSENM_PrimitiveZone_LWC_WSA.pdf](#)
[GSENM_PassageZone_LWC_WSA.pdf](#)
[GSENM_OutbackZone_LWC_WSA.pdf](#)
[Snapshot_GSENMRS2477Claims.png](#)
[GSENM_ManagementZones_Transportation Map.pdf](#)

All-

Attached are responses for GSENM- again, split over two emails.

(Note: I am not attaching duplicate files for supporting information that was already uploaded in the response for BENM.)

Thanks, everyone!!

Regards,

Allison Ginn
National Conservation Lands Program Lead
BLM Utah State Office
801-539-4053

On Fri, May 19, 2017 at 1:02 PM, Butts, Sally <sbutts@blm.gov> wrote:

Thanks Utah! Amazing turnaround on this. I'll let you know if I have questions.
Sally

On Fri, May 19, 2017 at 2:48 PM, Ginn, Allison <aginn@blm.gov> wrote:

Regards,

Allison Ginn
National Conservation Lands Program Lead
BLM Utah State Office
801-539-4053

On Fri, May 19, 2017 at 12:47 PM, Ginn, Allison <aginn@blm.gov> wrote:

WO 410-

Please find attached BLM-Utah's responses and supporting documentation for Bears Ears National Monument. (Due to file size, I will have to send over multiple emails.)

We will be sending GSENM's response shortly. Thanks!

Regards,

Allison Ginn
National Conservation Lands Program Lead
BLM Utah State Office
801-539-4053

On Thu, May 18, 2017 at 5:41 PM, Butts, Sally <sbutts@blm.gov> wrote:

Hi All:

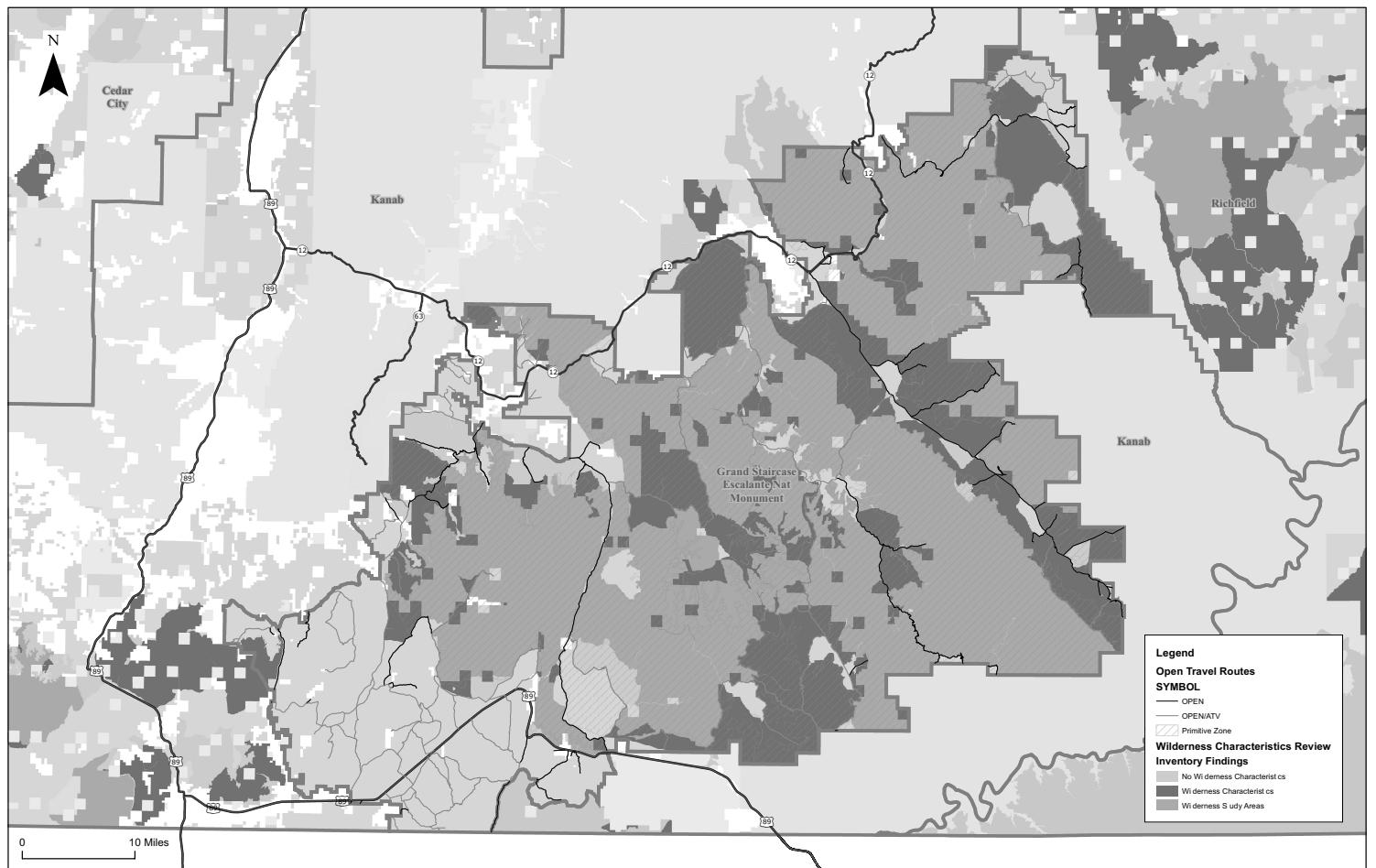
We received a few additional questions from DOI that we need some assistance from Utah. Please see the attached list of questions and provide responses to the questions I've noted for Utah. There are a few that we (WO410) will take the lead on addressing. Please don't upload this document to the google drive folder. Just insert your responses in the attachment, one for Bears Ears and one for GSENM, and email back to me to coordinate in the WO and transmit to DOI. If at all possible, please provide the responses to these questions tomorrow (5/19).

Please let me know if you have any questions.

Thanks so much, Sally

--
Sally R. Butts, J.D., Acting Division Chief
National Conservation Lands
Bureau of Land Management
20 M St. SE, Washington, DC 20003
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**New information requested on Executive Order on the Review
of Designations Under the Antiquities Act**

BLM-Utah Responses to Additional Questions

1) Designated wilderness areas (name, acreage), Wilderness Study Areas (name if there is one, acreage, type), and/or areas managed to preserve wilderness or roadless characteristics that are not WSAs.

- a) There is no designated wilderness within GSENM.
- b) There are 16 Wilderness Study Areas totaling 881,997 acres within GSENM.
 - Phipps-Death Hollow Instant Study Area (ISA) - 42,731 acres
 - Steep Creek Wilderness Study Area (WSA) - 21,896 acres
 - North Escalante Canyons/The Gulch ISA - 120,204 acres
 - Carcass Canyon WSA - 47,351 acres
 - Scorpion WSA - 35,884 acres
 - Escalante Canyons Tract 1 ISA - 360 acres
 - Escalante Canyons Tract 5 ISA - 760 acres
 - Devils Garden ISA - 638 acres
 - The Blues WSA - 19,030 acres
 - Fiftymile Mountain WSA - 148,802 acres
 - Death Ridge WSA - 63,667 acres
 - Burning Hills WSA - 61,550 acres
 - Mud Spring Canyon WSA - 38,075 acres
 - The Cockscomb WSA - 10,827 acres
 - Paria/Hackberry and Paria/Hackberry 202 WSA - 135,822 acres
 - Wahweap WSA - 134,400 acres
 - *WSA/ISA acres listed are the total BLM-administered surface acres from the Utah Statewide Wilderness Study Report, October 1991. GIS calculations would vary.*
- c) The most recent comprehensive inventory of lands with wilderness characteristics within GSENM is Utah's statewide inventory effort in 1999. Within GSENM there are approximately 471,700 acres of lands with wilderness characteristics. GSENM completed a Monument Management Plan in 2000, but did not make specific land use planning decisions regarding the management of lands with wilderness characteristics. Instead, the MMP designates lands within the GSENM in different "Management Zones", to help define permitted or excluded activities and any stipulations pertaining to them. There are four types of Management Zones in GSENM: Frontcountry, Passage, Outback and Primitive. Lands with wilderness characteristics that are within the Outback or Primitive zones are managed according to goals and objectives that more closely align with protection of wilderness characteristics

See attached maps: GSENM_PassageZone_LWC_WSA.pdf; GSENM_OutbackZone_LWC_WSA.pdf; GSENM_FrontcountryZone_LWC_WSA.pdf; GSENM_PrimitiveZone_LWC_WSA.pdf and GSENM_FEIS_WSAmap.jpeg.

2) Outstanding R.S. 2477 claims within a monument type of road claimed and history

- a) There are ~1,525 roads claimed in Garfield and Kane counties under R.S. 2477. This figure also includes lands outside of GSENM managed by the Kanab Field Office. (See: *Statewide_RS2477_Claims_102313.pdf; Utah_RS2477Claims.pdf and Snapshot_GSENMRS2477Claims.jpg*). Between 2005 and 2012, the State of Utah and 22 counties filed 30 lawsuits seeking quiet title to over 12,000 claimed R.S. 2477 rights-of-way. The vast majority of these claims are on BLM-administered lands, but claims are pending on lands administered by the National Park Service and U.S. Forest Service. To date, only one case, involving three roads, has been settled (Juab 1). Under a case management order, six cases involving 1,500 claims statewide are currently being litigated Kane (1), Kane (2), (3), and (4), and Garfield (1) and (2). Of the 1,500 claims, approximately half are located in Grand Staircase Escalante National Monument. The remaining cases have been stayed, although preservation depositions have been allowed to continue. BLM-Utah maintains thousands of records related to R.S. 2477 claims and active or pending litigation, but some of the information is attorney-client privileged. Please clarify if additional information is needed.

3) Maps

GSENM provided multiple maps in the initial data response (*2.g.1_GSENM_SiteDensity.pdf; 2.g.2_GSENM_Inventories.pdf; 2.g.3_GSENM_ArchSites.pdf; 2.g.4_GSENM_ArchNumofSites.pdf; 2.b.Upper Valley Field Map.pdf; GSENM Background Info subfolder- GSENM_Brochure_Map.pdf; MAP_WSA_for MMP DEIS Map.pdf; GrandStaircaseEscalante_map.pdf; Paleo_CulturalSitesMap5-8-17.pdf; PaleoSitesMap5-8-17.pdf*). There are also numerous maps contained within the Monument Management Plan. We are attaching the *GSENM ManagementZones_Transportation Map.pdf*. Please advise if specific additional maps are needed.

4) Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument

- Nipple Lake: Private inholding within GSENM. Landowner in the past has expressed interest in selling this property. This is considered a Traditional Cultural Property (TCP) by the Kaibab Paiute, in conjunction with the nearby Mollies Nipple land form (a prominent, isolated rocky peak), known to the Kaibab Paiute as "Mountain that Breathes. It is the only permanently wet meadow within GSENM, providing for a very unique habitat. The area is very dense in cultural sites, early ancestral pueblo occupation, and pilgrimage trails.
- Vermilion Cliffs Front: Kanab Field Office (KFO) and private land near the Kanab Creek boundary. Ancestral pueblo/archaeological record; site is contiguous with GSENM;

- includes important Ancestral Puebloan (Anasazi) sites, including the earliest studied and reported in the area
- Paria River Canyon (between Vermilion Cliffs NM & GSENM; managed by KFO) - Includes pilgrimage trails for Hopi & Paiute. Archaeological sites in this area contain evidence of continued Hopi pilgrimage use long after abandonment by the Ancestral Pueblos (Anasazi). (Note: This is also the location of Buckskin Gulch, one of the longest continuous slot canyons in the world, and the famous "Wave" formation).
 - Shinarump Cliffs: KFO & private inholdings: Very dense array of Ancestral Puebloan (Anasazi) sites, including the earliest dated pottery in the area. The archaeological record here is equal to that at Grand Gulch.

(See: *GSENM Data_call_CulturalOutsideGSENM.pdf* and *Stoffle et al 2001 Kaibab Paiute Ethnographic Assessment in GSENM.pdf*)

5) Other general questions or comments

- a) **Discuss the full range of Proclamation objects.** The initial DOI data call focuses almost exclusively on cultural objects, but the Proclamation identifies many objects of antiquity or historical or scientific interest to be protected. GSENM published a table of all resources and objects in the Analysis of the Management Situation for the Livestock Grazing Plan Amendment EIS (*GSENM_AMS_Final_July2015.pdf*, starting on pg.136). Objects within GSENM include geologic stratigraphy and structures, paleontological sites, cultural use, human history and biological resources. Each annual Manager's Report also notes the status and trend of the identified objects. We included the 2014, 2015, and 2016 Manager's Report in the GSENM Background Info subfolder in Drive. The Science Symposium subfolder in Drive also summarizes some of the scientific studies on GSENM. The paleontological resources on GSENM are particularly noteworthy and world class. See attached: *Paleontology on the GSENM Titus.docx* and *GSENM Fossil Map.pdf*.
- b) **Extent of the designation:** The GSENM designation was the subject of litigation. The case concerned the designation of 1.7 million acres of federal land as a national monument pursuant to the Antiquities Act. The court held that the President complied with the Antiquities Act by (1) designating, in his discretion, objects of scientific or historic value, and (2) setting aside, in his discretion, the smallest area necessary to protect the objects. (See: *Utah Ass'n of Counties v. Bush.pdf* and *2004-04-19 Opinion & Order.pdf*)

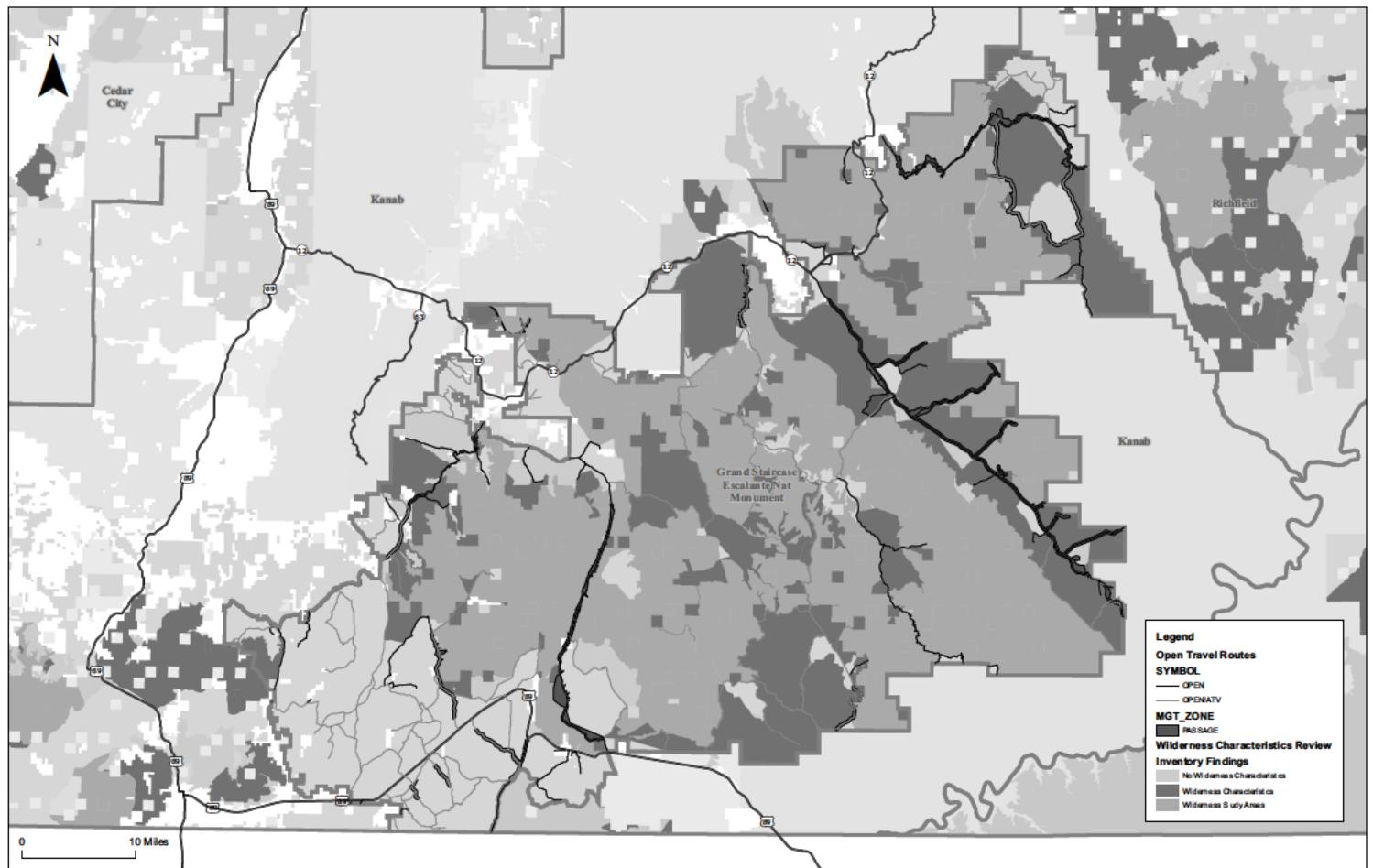
In order to project the objects identified in the Proclamation, the Department must consider the connectivity between them. This concept is particularly critical for biological resources, but also applies to management of cultural resources and tribal interests. Protection of isolated identified cultural sites is not synonymous with protection of a cultural landscape (e.g., Traditional Cultural Properties, vision quest sites, etc.) The Secretary memo to the President articulates the rationale for the

GSENM boundaries based on these factors and considerations. (See: *7.2_8-15-96_Secretarial Memo.pdf* in Drive)

- c) **Monument Advisory Committees (MACs).** MACs provide for local and subject matter expert input and advice into management objectives. The GSENM MAC includes seven scientist positions that focus on the identified objects in the Proclamation. (See: *May 11, 2017 DOI MAC Data Call.docx*). For those Monuments that do not have MACs, the RACs provide that same level of integrating multiple stakeholders in an advisory capacity.
- d) **Protection under the Antiquities Act versus other statutory laws or an NCA designation:** BLM-Utah requests that WO 410 assist in crafting clear language that describes the various levels of protection afforded under the Archeological Resources Protection Act, Paleontological Resources Protection Act, Native American Graves Protection and Repatriation Act, etc. versus the Antiquities Act. For example, there are no statutory protections for cultural landscapes, but such resources could be protected under the Antiquities Act. See also the *Stegner Center_NM vs NCA.pdf*.

GSENM asserts that the designation of GSENM as a national monument elevates protection of the identified objects in many ways, including:

- Increased attention and public awareness of resources and objects
- Expanded educational/research efforts by employees and researchers related to these objects
- Increased partnership opportunities and funding via Universities that focus on research in Monuments



Management Zones and Transportation System

Map 2
N

- Principal Communities
- ▲ Monument Boundary
- ✓ Highways 89 & 12
- ✓ Administrative Roads
- ✓ Open Roads
- ✓ Open/ATV Roads
- ✓ Other Roads

Frontcountry Zone

The Frontcountry Zone, (78,056 acres) is the focal point for visitation by providing day-use opportunities close to adjacent communities and to Highways 12 and 89. This Zone will accommodate the primary interpretation, overlooks, trails, and associated facilities necessary to feature Monument resources.

Passage Zone

The Passage Zone, (38,316 acres) includes secondary travel routes which receive use as throughways and recreation destinations. Rudimentary facilities necessary to protect resources, educate visitors about Monument resources, or for public safety will be provided.

Outback Zone

The Outback Zone, (537,660 acres) provides an undeveloped, primitive and self-directed visitor experience while accommodating motorized and mechanized access on designated routes. Facilities will be rare and provided only where essential for resource protection.

Primitive Zone

The Primitive Zone, (1,211,386 acres) provides an undeveloped, primitive and self-directed visitor experience without motorized or mechanized access. Alternative routes are included in the Zone, which could allow very limited motorized access to authorized users. Facilities will be virtually nonexistent.

Private Ownership

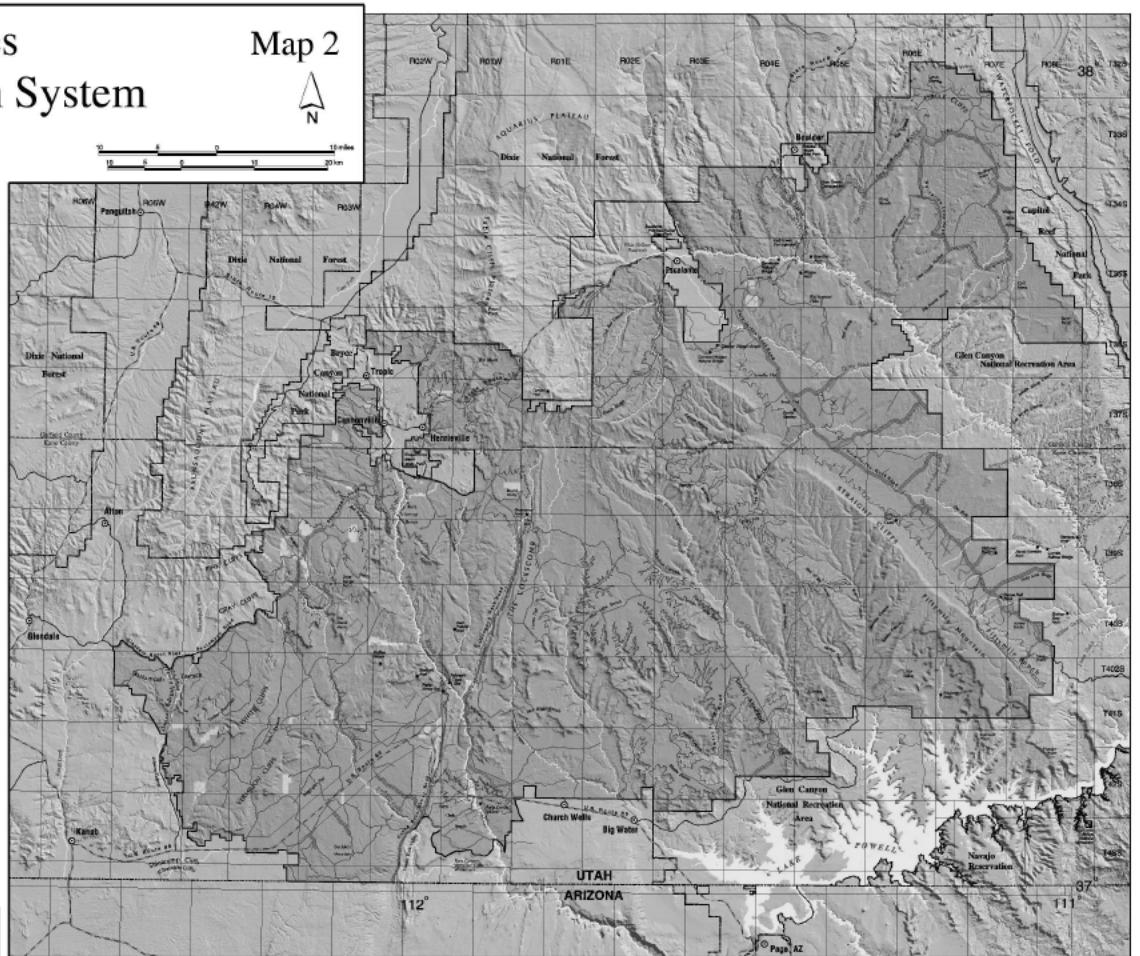


Each map has been generated from the best available data. The boundaries shown on these maps do not imply legal status under the monuments management laws or regulations. It is the intent of the U.S. Forest Service to make these maps available for use by the public. They are not intended for use in establishing legal boundaries or titles.



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*Chapter 2***Management Plan**